

The Gazette



of India

EXTRAORDINARY

PART II—Section 3—Sub-section (ii)

PUBLISHED BY AUTHORITY



No. 44] NEW DELHI, FRIDAY, MARCH 10, 1961/PHALGUNA 19, 1882

MINISTRY OF COMMERCE AND INDUSTRY

ORDER

New Delhi, the 10th March 1961

S.O. 538.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely:—

1. **Short title and commencement.**—(1) This Order may be called the Jute (Licensing and Control) Order, 1961.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. **Definitions.**—In this Order, unless the context otherwise requires—

(a) “Jute Commissioner” means the Jute Commissioner appointed by the Central Government and includes any other officer appointed by the Central Government to exercise the powers of the Jute Commissioner under this Order;

(b) “jute textiles” means hessian and sacking cloth made from jute, bags made from hessian or sacking cloth, twine, yarn and any other article made, wholly or in part, from jute;

(c) “licensing authority” means the Jute Commissioner and, in a State, the State Government and includes any other officer appointed by the Central or the State Government to be the licensing authority;

(d) “raw jute” means the fibre of jute also known as pat, kosta, nalita, bimli or mesta;

(e) “year” means the year commencing on the 1st July and ending with the 30th June next following.

3. **Licensing of dealers in raw jute and jute textiles.**—(1) The Jute Commissioner may, by notification in the Official Gazette direct that, with effect from such date as he may specify in the notification, no person shall carry on business in raw jute or jute textiles involving the purchase, sale or storage for sale of raw jute or jute textiles, except under and in accordance with the terms and conditions of a licence issued under this Order.

(2) Every such licence shall be issued by the licensing authority on application made to it in such form and manner as the Jute Commissioner may prescribe.

(3) A licence issued under this clause shall be valid for the year for which it is issued and may be renewed for one year at a time.

(4) A fee of Rs. 10 shall be charged for every licence and of Rs. 5 for its renewal.

4. Matters to be taken into consideration in granting licences.—In granting or refusing a licence under this Order, the Licensing authority shall, among other matters, have regard to—

- (a) the stock of raw jute or jute textiles, as the case may be, available in the locality;
- (b) the business ordinarily carried on by the applicant;
- (c) any other matter which in the opinion of the licensing authority is relevant for the purpose.

5. Conditions of licence.—Every licence issued under clause 3 shall be subject to the following conditions, namely:—

- (a) the licensee shall maintain true and correct accounts in such form and submit to the licensing authority such returns and at such intervals as the Jute Commissioner may prescribe;
- (b) the licensee shall issue to every customer a receipt or invoice in such form and containing such particulars as the Jute Commissioner may prescribe;
- (c) the licensee shall give all reasonable facilities to the licensing authority or any officer duly empowered by such authority to enter the business premises and inspect the stocks and accounts;
- (d) the licensee shall comply with any direction lawfully issued to him under this Order in regard to his business.

6. Duplicate licence.—Where a licence is lost or destroyed, the licensing authority may, on application made to it in this behalf, issue a duplicate licence on payment of a fee of Rs. 5.

7. Suspension or cancellation of licence.—The licensing authority may suspend or cancel a licence issued under this Order if—

- (a) the licence has been granted through mistake or obtained by fraud or misrepresentation;
- (b) the licensee has committed a breach of any of the conditions of the licence or any provision of this Order, provided that before suspending or cancelling the licence, the licensee shall be given a reasonable opportunity to make his representation.

8. Power to fix prices.—(1) The Jute Commissioner may, by notification in the Official Gazette, fix the maximum or the minimum prices or both at which raw jute or jute textiles may be purchased or sold.

(2) No person shall sell or offer to sell or purchase or offer to purchase any raw jute or jute textiles at a price exceeding the maximum price or below the minimum price fixed therefor under sub-clause (1).

9. Power to regulate stocks of raw jute.—(1) The Jute Commissioner may, by order, specify the maximum quantity of raw jute which a manufacturer of jute textiles may buy or have in his possession during any specified period for the purpose of manufacture of jute textiles.

(2) In issuing an order under sub-clause (1), the Jute Commissioner shall have regard to—

- (a) the quantity of raw jute used by the manufacturer during the previous year;
- (b) the capacity of the manufacturer to manufacture jute textiles;
- (c) the availability of raw jute for manufacture of jute textiles; and

- (d) any other factor which, in the opinion of the Jute Commissioner, is relevant for the purpose.

10. Power to requisition stocks.—The Jute Commissioner may, with a view to maintaining or increasing the supplies of raw jute or jute textiles or securing their equitable distribution, by order, require any person holding stock of raw jute or jute textiles,—

- (a) to sell the whole or a specified part of the stock to the Government or to an officer of the Government or to such other person or class of persons as may be specified in the order;
- (b) not to sell or deliver the stock without the permission in writing of the Jute Commissioner; or
- (c) if he is not the owner of the stock, to disclose the name of the owner.

11. Power of entry and inspection.—(1) The Jute Commissioner or any officer duly authorised by him in this behalf may, with a view to securing compliance with this Order,—

- (a) require any person to give any information in his possession with respect to any business carried on by him or any other person;
- (b) inspect or cause to be inspected any books of account or other documents in the possession or under the control of any person;
- (c) enter and search any premises and seize any raw jute or jute textiles in respect of which he has reason to believe that a contravention of this Order has been, is being or is about to be committed and thereafter take or authorise the taking of all measures necessary for securing the production of stocks so seized, in a court or for their safe custody, pending such production.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898, relating to search and seizure, shall, so far as may be, apply to searches and seizures under this clause.

12. Penalty.—Any person who contravenes any of the provisions of this Order or fails to carry out any direction or requisition made thereunder shall be punishable under section 7 of the Essential Commodities Act, 1955.

[No. F. 4(8)-Tex(D)/60.]

C. S. RAMACHANDRAN, Jt. Secy.

